



## Senate

General Assembly

**File No. 372**

February Session, 2006

Substitute Senate Bill No. 105

*Senate, April 5, 2006*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### **AN ACT PROHIBITING THE SALE OF ELECTRONIC DEFENSE WEAPONS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2006*) (a) No person shall sell or  
2       deliver an electronic defense weapon, as defined in section 53a-3 of the  
3       general statutes, to another person.

4       (b) The provisions of subsection (a) of this section shall not apply to  
5       the sale or delivery of an electronic defense weapon to (1) a sworn  
6       member or authorized official of an organized local police department,  
7       the Division of State Police within the Department of Public Safety or  
8       the Division of Criminal Justice, (2) an authorized official of a  
9       municipality or the Department of Administrative Services that  
10      purchases electronic defense weapons on behalf of an organized local  
11      police department, the Division of State Police within the Department  
12      of Public Safety or the Division of Criminal Justice, (3) an authorized  
13      official of the judicial branch who purchases electronic defense  
14      weapons on behalf of a probation officer, (4) a member of the National

15 Guard or the armed forces reserve, or (5) a federal marshal or federal  
16 law enforcement officer.

17 (c) Any person who violates the provisions of this section shall be  
18 guilty of a class A misdemeanor.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2006	New section
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**PS**            *Joint Favorable Subst. C/R*

JUD

**JUD**            *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Judicial Dept.; Correction, Dept.	GF - Cost	Potential	Potential
Judicial Dept.	GF - Revenue Gain	Potential	Potential
Various Criminal Justice Agencies	GF - Cost	Minimal	Minimal

Note: GF=General Fund

**Municipal Impact:** None

#### **Explanation**

The bill makes it a crime (with several exceptions for various authorized personnel), punishable by a fine of up to \$2,000 and/or up to one year imprisonment, for a person selling or delivering an electronic defense weapon. To the extent that offenders are subject to incarceration or probation supervision in the community as a result of the bill, a potential cost to criminal justice agencies exists. On average, it costs the state \$2,150 to supervise an offender on probation in the community as compared to \$35,040 to incarcerate the offender (note that both figures include fringe benefits).

#### **The Out Years**

Future revenues generated from arrests are not subject to inflation since the fine amounts are fixed by statute. However, probation and incarceration costs would experience inflationary increases.

**OLR Bill Analysis****sSB 105*****AN ACT PROHIBITING THE SALE OF ELECTRONIC DEFENSE WEAPONS.*****SUMMARY:**

This bill, with several exceptions, makes it a class A misdemeanor, punishable by a fine of up to \$2,000, imprisonment of up to one year, or both, to sell or deliver electronic defense weapons. The law already prohibits anyone from carrying the weapons, except peace officers performing their official duties. Because, by law, some people the bill authorizes to sell or deliver the weapons cannot carry them, these people will be able to sell the weapons only from their residence (see BACKGROUND).

EFFECTIVE DATE: October 1, 2006

**EXEMPTIONS FROM SALE AND DELIVERY PROHIBITION**

The law defines an electronic defense weapon as a weapon that uses electronic impulse or current capable of temporarily immobilizing, but not seriously injuring or killing, a person.

The bill exempts the following from its prohibition on selling and delivering the weapons:

1. sworn members or authorized officials of local police departments, the State Police, or the Division of Criminal Justice;
2. authorized officials of a town or the Department of Administrative Services who buy the weapons on behalf of a police department, State Police, or the Division of Criminal Justice;

3. authorized Judicial Branch officials who buy the weapons on behalf of a probation officer;
4. National Guard members and reservists; and
5. federal marshals or law enforcement officers.

## BACKGROUND

### ***Electronic Defense Weapons***

The law classifies electronic defense weapons as dangerous weapons, and only peace officers may carry them. Illegally carrying a dangerous weapon on one's person is punishable by a fine of up to \$500, imprisonment for up to three years, or both (CGS § 53-206(a)). Illegally carrying it in a vehicle is punishable by a fine of up to \$1,000, imprisonment for up to five years, or both (CGS § 29-38).

The state Supreme Court has ruled that the prohibition against carrying dangerous weapons contains an implicit exception for carrying a weapon in a residence or abode (*State v. Sealy* 546 A2d 271, 208 Conn. 689 (1988)). But by law, the following people cannot possess these weapons:

1. convicted felons;
2. anyone convicted of serious juvenile offense;
3. anyone who knows that he is the subject of a restraining or protective order, issued after notice and an opportunity to be heard, for using, attempting to use, or threatening to use physical force against someone; and
4. anyone who knows that he is the subject of a firearm seizure order issued by the court after notice and opportunity to be heard.

Illegal possession is a class D felony with a mandatory minimum two-year sentence. A class D felony carries a prison term of one to five years, a fine of up to \$5,000, or both (CGS § 53a-217).

***Related Bill***

sSB 443, reported favorably by the Judiciary Committee, allows police to seize electronic defense weapons at the site of a family violence crime and stun guns and other conductive energy guns are types of electronic defense weapons.

**COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable Substitute Change of Reference

Yea 14 Nay 6 (03/07/2006)

Judiciary Committee

Joint Favorable Substitute

Yea 21 Nay 15 (03/17/2006)